

Joseph J. Tabacco, Jr. (75484)
jtabacco@bermandevalerio.com
Christopher T. Heffelfinger (118058)
cheffelfinger@bermandevalerio.com

BERMAN DEVALERIO
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

Mindee J. Reuben
reuben@wka-law.com
WEINSTEIN KITCHENOFF & ASHER LLC
 1845 Walnut Street, Suite 1100
 Philadelphia, PA 19103
 Telephone: (215) 545-7200
 Facsimile: (215) 535-6535

Attorneys for Plaintiffs in
Bruno, et al. v. Walmart.com USA LLC, et al.,
No. C-09-00445 JCS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA RESNICK, GARY BUNKER,)
JOHN HALEY, AMY LATHAM, ERIC)
ROSLANSKY and KEVIN SIMSPON, on)
behalf of themselves and others similarly)
situated,)

Plaintiffs,

VS.

WALMART.COM USA LLC, WAL-MART
STORES, INC. and NETFLIX, INC.

Defendants.

Case No. C-09-0002 PJH

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiffs Brandon J. Bruno and Paige Gabay submit this
3 Administrative Motion, pursuant to Civil Local Rule 3-12, to relate *Bruno, et al. v. Walmart.com*
4 *USA LLC, et al.*, Case No. C-09-00445-JCS (“the *Bruno* Action”), filed January 30, 2009, to
5 *Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. C-09-0002 PJH (“*Resnick* Action”), the
6 first filed action.

7 **I. RELATED CASES**

8 The cases identified below, including the first-filed *Resnick* Action, are related to the *Bruno*
9 Action. As indicated, most of these cases are now pending before The Honorable Phyllis J.
10 Hamilton, United States District Judge.

	CASE NAME	CASE NUMBER	DATE FILED
11			
12	1. <i>Resnick, et al. v. Walmart.com USA LLC, et al.</i>	CV-09-0002-PJH	January 2, 2009
13			
14	2. <i>O'Connor v. Walmart.com USA LLC, et al.</i>	CV-09-0096- PJH	January 9, 2009
15	3. <i>Endzweig v. Walmart.com USA LLC, et al.</i>	CV-09-0111-PJH	January 9, 2009
16	4. <i>Schmitz v. Walmart.com USA LLC, et al.</i>	CV-09-0116-PJH	January 9, 2009
17	5. <i>Lynch v. Walmart.com USA LLC, et al.</i>	CV-09-0138-PJH	January 12, 2009
18	6. <i>Groce v. Walmart.com USA LLC, et al.</i>	CV-09-0139-PJH	January 12, 2009
19	7. <i>Sivek v. Walmart.com USA LLC, et al.</i>	CV-09-0156- PJH	January 13, 2009
20	8. <i>Faris v. Walmart Stores, Inc.</i>	CV-09-0180- PJH	January 14, 2009
21	9. <i>Slobodin v. Netflix, Inc., et al.</i>	CV-09-0225- PJH	January 16, 2009
22	10. <i>Anthony v. Walmart.com USA LLC, et al.</i>	CV-09-0236- PJH	January 20, 2009
23	11. <i>Polk-Stamps v. Netflix, Inc., et al.</i>	CV-09-0244- PJH	January 20, 2009
24	12. <i>Sheeler v. Walmart.com USA LLC, et al.</i>	CV-09-0274- PJH	January 22, 2009
25	13. <i>Chapman v. Netflix, Inc., et al.</i>	CV-09-0294- PJH	January 22, 2009
26	14. <i>Orozco v. Netflix, Inc., et al.</i>	CV-09-0297- PJH	January 22, 2009
27	15. <i>Landels v. Netflix, Inc., et al.</i>	CV-09-0340- PJH	January 26, 2009
28	16. <i>Grime v. Netflix, Inc., et al.</i>	CV-09-0349- PJH	January 26, 2009

	CASE NAME	CASE NUMBER	DATE FILED
17.	<i>Meyer v. Walmart.com USA LLC, et al.</i>	CV-09-0361- PJH	January 27, 2009
18.	<i>Randall v. Walmart.com USA LLC, et al.</i>	CV-09-0368- PJH	January 27, 2009
19.	<i>Hirsch v. Netflix, Inc., et al.</i>	CV-09-0375- PJH	January 27, 2009
20.	<i>Miscioscia v. Netflix, Inc., et al.</i>	CV-09-0377- PJH	January 27, 2009
21.	<i>Patras v. Netflix, Inc., et al.</i>	CV-09-0378-MEJ	January 27, 2009
22.	<i>Chatelain v. Netflix, Inc., et al.</i>	CV-09-0391- PJH	January 28, 2009
23.	<i>Weiner v. Walmart.com USA LLC, et al.</i>	CV-09-0398-BZ	January 28, 2009
24.	<i>Millrood v. Walmart.com USA LLC, et al.</i>	CV-09-0399-JCS	January 28, 2009
25.	<i>Kober v. Walmart.com USA LLC, et al.</i>	CV-09-0400-EDL	January 28, 2009
26.	<i>Lacabe v. Walmart.com USA LLC, et al.</i>	CV-09-0402-JL	January 28, 2009
27.	<i>Roy v. Netflx, Inc., et al.</i>	CV-09-0434-JL	January 30, 2009
28.	<i>Zaker v. Netflix, Inc., et al.</i>	CV-09-0447-MEJ	January 30, 2009

II. RELATIONSHIP OF THE ACTIONS

This administrative motion is made on the grounds that the *Bruno* case involves substantially the same subject matter as the actions listed above in Section I, including the *Resnick* Action: an alleged conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for the sales and online rentals of DVDs in the United States. Plaintiffs in all the cases assert claims for violations of the Sherman Act, 15 U.S.C. §§ 1 and 2, against the same Defendants.

It appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different Judges. Accordingly, relating the *Bruno* Action to the *Resnick* Action will help eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.

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1 **III. CONCLUSION**

2 Plaintiffs Bruno and Gabay therefore respectfully request that the *Bruno* Action be deemed
3 related *Resnick, et al. v. Walmart.com USA LLC, et al.*, No. C-09-0002-PJH, and that it be assigned
4 to the Honorable Phyllis J. Hamilton.

5 Dated: February 5, 2009

BERMAN DeVALERIO

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7 By: s/ Christopher T. Heffelfinger
CHRISTOPHER T. HEFFELFINGER

8 Joseph J. Tabacco, Jr
9 425 California Street, Suite 2100
San Francisco, CA 94104
10 Telephone: 415.433.3200
Facsimile: 415.433.6382

11 Mindee J. Reuben
12 reuben@wka-law.com
WEINSTEIN KITCHENOFF & ASHER LLC
13 1845 Walnut Street, Suite 1100
Philadelphia, PA 19103
14 Telephone: (215) 545-7200
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16 *Bruno, et al. v. Walmart.com USA LLC, et al.,*
17 *No. C-09-00445 JCS*